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10/044,374	01/10/2002	Peder Gulbrandsen	0095-1028	8261

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/044,374

Applicant(s)

GULBRANDSEN ET AL.

Examiner

Gwendolyn Baxter

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3632

This is the first office action for serial number 10/044,374, Free form Ceiling, filed on January 10, 2002.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31" has been used to designate both grid clips (pg 5 of spec.) and 31 (pg. 6 of spec.). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Information Disclosure Statement***

The information disclosure statement filed April 22, 2002 has been placed in the application file, and the information referred to therein has been considered.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the

Art Unit: 3632

printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

*The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.*

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification and drawings clearly sets forth the curved ceiling panels being such that a plane created by a first curved ceiling plane does not lie in a plane created by an adjacent second curved ceiling panel. But is unclear how the plane created by the first panel does not lie in a plane created by the second panel while each panel having four endpoints terminate in a common plane. Clarity is requested. Figure 1 shows the panels meeting at the crest point and at the valley point

Art Unit: 3632

having a cross sectional shape of a sinusoidal wave. For purpose of this Office action the limitation for the “four corners having end points terminating in a common plane” has not been considered.

Claims 8, 9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 2, “said extension posts” lacks proper antecedent basis. The language should read --said extension members-- to maintain proper antecedent basis of the recitation at line 3 of claim 7.

In claim 11, line 2, “the group” should read --a group--, since there is a lack of antecedence.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

Art Unit: 3632

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 12-15, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,374,564 B1 to Fletterick et al., hereinafter Fletterick. The present invention reads on Fletterick as follows: Fletterick discloses a suspended curved ceiling system comprising a plurality of grid members (13, 12) and a plurality of curved ceiling panels (14). The grid members intersect to form a grid. The grid is adapted to suspended from a building structure. The panels are adapted to be connected to the grid. The panels are arranged such that a plane created by a first curved ceiling panel does not lie in a plane created by an adjacent second curved ceiling panel. The grid members are curved. The grid member includes a base portion (27) that is adapted to support curved ceiling panels. The curved ceiling panels include clips (34) adapted to retain the panel to the grid. The side edges being curved such that the actual length of the side edges between two of the end points is longer than the linear distance between the endpoints along the side edge.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,088,261 to Mieyal, hereinafter Mieyal. The present invention reads on Mieyal as follows: Mieyal discloses a curved ceiling panel (abstract) comprising four corners having endpoints all lying in a common plane. See figure 11 The endpoints interconnected by four side edges. The side edges are curved such that the actual length of the side edges between two of the endpoints is longer than the linear distance between the endpoints along the side edge.

Art Unit: 3632

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mieyal in view of Fletterick. Mieyal fails to teach the panels being formed from one of the following material: plastic, metal, resin, wood fiber, gypsum, fabric, woven mesh, and non-woven mesh.

Fletterick teaches a panel formed from woven mesh. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the panel as taught by Mieyal to have incorporated the material as taught by Fletterick for the purpose of making the panels resilient for the purpose of facilitating the installation of the panel.

***Allowable Subject Matter***

Claims 5-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 16-20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3632

***Conclusion***

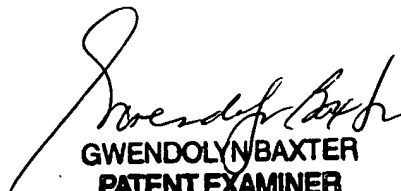
The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Tinen 5,699,641 teaches an escutcheon; and Jahn 3,333,378; Thompson 3,394,506 and Deaton 4,471,596 teaches curved panel members and/or grid members.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the combination of a curved grid and panel along with an escutcheon. Additional the art of record fails to teach the grid members being linear.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

GB  
June 29, 2003

  
GWENDOLYN BAXTER  
PATENT EXAMINER  
*Art Unit 3632*